

REMARKS

As an initial matter, Applicant notes that in the Summary, boxes 12 (a) are checked but none of (1), (2), or (3) are checked. Applicant assumes that the certified copies of the priority documents have been received but would appreciate an acknowledgement of that fact.

Claims 1, 2, 4, 5, 7-9 and 11 were rejected as being anticipated by US 4,993,611 to Longo. Claim 3 was rejected as being unpatentable in view of Longo and US 5,564,591 to Christine. Claim 6 was rejected as being unpatentable in view of Longo and US 6,634,151 to Gale. Claim 10 was rejected as being unpatentable in view of Longo and US 6,047,852 to Evans. Applicant respectfully traverses. New claims have been presented to better define the invention. Support for the claims can be found in the original claims and the specification.

As an initial matter, Longo does not teach a means adapted to adopt a substantially elongated configuration wherein the means is at least one of a straw or an agitator (claim 12) or a straw removably attached to the container substantially along a circumference of the container and configured to adopt a substantially elongated configuration (claim 31). The Examiner identifies element 28 of Longo as the structure previously claimed as the means capable of taking on an essentially oblong configuration (now claimed as a means adapted to adopt a substantially elongated configuration ...). Element 28 of Longo, however, is not a straw or agitator. Therefore, Longo does not teach or suggest at least this required limitation of the present claims.

As for the other references, Christine, Gale, and Evans, they too do not teach or suggest a means adapted to adopt a substantially elongated configuration wherein the means is at least one of a straw or an agitator or a straw removably attached to the container substantially along a circumference of the container and configured to adopt a substantially elongated configuration. In short, they do not cure the deficiency of Longo. As a result, the combination of Longo and any of Christine, Gale, or Evans simply does not teach or suggest the present apparatus. Therefore, Applicant requests withdrawal of the rejection.

Applicant believes that the pending claims are patentable and requests that the Examiner issue a Notice of Allowance. The Examiner is invited to contact the undersigned attorney for Applicant via telephone at 312.321.4276 if such communication would expedite allowance of this application.

Respectfully submitted,

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